



# Complaints Policy and Procedure

This policy explains what to do if parents, carers and members of the public need to make a complaint or raise a concern with the school or Trust.

## This policy was approved as follows:

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This policy applies to all Discovery Trust schools.

## Document History

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## **1. Introduction**

Discovery Schools Academy Trust and schools are committed to maintaining strong and productive partnerships with parents/carers, pupils and other members of the community.

This policy describes the principles for complaint resolution and the procedure that will be followed when a concern or complaint is raised.

Our policy is to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint;
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint;
- make sure employees know what to do if a complaint is received;
- make sure all complaints are investigated fairly and in a timely way;
- make sure that complaints are, wherever possible, resolved and that relationships are repaired;
- gather information which helps us to improve what we do.

Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through day to day communication between parents and staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed on the following pages.

## **2. Scope and definitions**

Complaints may come from any person or organisation that has an interest in the school. This policy covers all complaints about any provision of community facilities or services by the school or Trust.

This procedure will apply to most general complaints. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal

*Note: Complaints about staff conduct will not generally be handled under the complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

## **3. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

In accordance with equality law, we will make reasonable adjustments to enable complainants to access the complaints procedure, for instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

For ease of use, a template complaint form is included in appendix 1. Assistance with completing this form can be obtained from the school office or a third-party organisations like the Citizens Advice.

### **For concerns or complaints about a school**

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint. Formal complaints should be sent to the Headteacher via the school office, marked 'private and confidential'.

Complaints that involve or are about the headteacher should be addressed to the Chair of the Advisory Board, via the school office, marked as 'private and confidential'.

Complaints about a member of the Advisory Board should be addressed to the Clerk to the Advisory Board via the school office, marked as 'private and confidential'.

Complainants should not approach individual advisory board members to raise a complaint. Advisory board members have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

#### **For concerns or complaints about the Trust**

Concerns and complaints should be raised with the Head of Governance via the Trust office or [info@discoveryschoolstrust.org.uk](mailto:info@discoveryschoolstrust.org.uk).

A complaint that concerns the Trust CEO should be addressed to the Chair of Trustees via the Trust office, marked 'private and confidential'.

A complaint that concerns the Chair of Trustees, any individual trustee or the whole Trust Board should be addressed to the Head of Governance via the Trust office, marked 'private and confidential'.

#### **4. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the recipient of the complaint will determine whether it warrants an investigation.

#### **5. Time scales and complaints received outside of term time**

To enable a proper investigation, concerns or complaints should be raised as soon as possible, usually within three months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Time limits for each stage of the procedure are set out under each individual stage. We ask complainants to recognise that resolving a specific problem can sometimes take some time. Where a time limit cannot be complied with, the complainant will be contacted within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

A "school day" is defined as a weekday during term time, when the school is open to children in the case of school complaints and Monday to Friday, excluding bank holidays or office closure over Christmas for Trust complaints.

#### **6. Resolving complaints**

At each stage in the procedure the person(s) hearing a complaint will keep in mind ways in which that complaint can be resolved. It might be sufficient to acknowledge that the complaint is upheld in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of what steps have been taken to ensure that the situation will not happen again;
- an undertaking to review policies in light of the complaint; or,
- an apology.

It is useful if complainants are able to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not an admission of negligence.

#### **7. Withdrawal of a complaint**

A complainant may withdraw their complaint at any time during the process and should confirm this in writing.

#### **8. Confidentiality and record keeping**

All complaints must be treated in the strictest confidence. All documentation relating to a complaint, including correspondence, statements and records will be kept confidential except where access is requested through a statutory power.

Information relating to a complaint will be handled sensitively, telling only those who need to know and following any relevant data protection requirements. Should a complaint relate to a member of staff, then that person shall be advised of the complaint made against them, unless there is an overriding reason why this would be inappropriate.

The school must keep a record of all formal complaints, the actions taken to resolve the complaint and the stage at which it was resolved. These records will be kept only for as long as is considered to be reasonably necessary in the circumstances.

### **9. Persistent complaints**

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. The complainant will be notified in writing that the procedure has been completed and that the matter is closed.

If the complainant writes again on the same issue, then the correspondence may be recognised as persistent and there is no obligation on the part of the Trust or school to respond.

In addition, there may be occasions when a complaint is made about a matter which is deemed trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure. The school reserves the right to refuse to investigate such a complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where a complainant's behaviour is causing a significant level of disruption, a tailored communications strategy may be implemented, such as restricting the method of communication or putting in place a single point of contact. In these scenarios, the unreasonable complaints policy will be followed. **Please see Appendix 3 for more information on handling unreasonable complainants.**

## Complaints Procedure

The complaints procedure provides an informal and formal route to resolving a complaint, in summary there are four stages:

**Stage 1:** Informal concern raised with a staff member

**Stage 2:** Formal complaint to the Headteacher/Trust

**Stage 3:** Formal complaint to the Chair of the Advisory Board

**Stage 4:** Formal complaint to the Complaint Appeal Panel

### 1. Informal Stage

#### Stage 1: Concern raised

We hope that most concerns can be resolved at an early stage with a conversation with the relevant member of staff.

For parents/carers, this would normally be the class teacher. Class teachers are available at the start and end of the day, or it may be more appropriate to make an appointment so that more time can be given to address the concern. Appointments can be made through the school office.

Concerns about the Trust should be raised with the relevant service manager; the school can facilitate contact with the appropriate individual.

The complainant will be kept fully informed of actions put in place to resolve the concern. In most cases, it is anticipated that concerns will be resolved quickly, generally within **10 school days**. However, there may be circumstances where additional time to implement and review the effectiveness of any action is required. In these circumstances, the complainant will be advised, and a new time limit confirmed.

If the complainant is not satisfied with the informal resolution, they can make a formal complaint to the Headteacher (Stage 2). A formal complaint must be made within **10 school days** of the outcome of the informal stage. A copy of the formal complaint form in Appendix 1 will be forwarded to the complainant for completion and return, together with a copy of this Complaints Policy.

### 2. Formal Stages

#### Stage 2 – Formal complaint (about the school) to the Headteacher

Formal complaints must be made to the Headteacher (unless they are about the Headteacher) by completing the complaints form located in Appendix A.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The Headteacher will investigate the complaint and make every effort to resolve the issue. The Headteacher may arrange a meeting to clarify details of the complaint. In exceptional circumstances, the Headteacher may delegate responsibility for investigating the complaint to a member of the senior management team. In those circumstances the Headteacher will be responsible for ensuring that the complaint is investigated appropriately and will respond to the complainant. Please see Appendix 4 for further information about conducting an investigation.

Following the investigation of the complaint, the Headteacher will write to the complainant with a formal response within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure in the event the complainant is not satisfied with the response.

Where a formal complaint concerns the Headteacher, it will be referred directly to the Chair of the Advisory Board for investigation under Stage 3 of the Complaints Procedure. Where the complaint concerns the Chair of the Advisory Board, the Vice Chair will investigate the complaint under Stage 3 of this Complaints Policy.

**[or] Stage 2 - Formal complaint (about the Trust) to the Trust**

Formal complaints relating to the work of the Trust, the CEO or Board of Trustees can be made via the Head of Governance by completing the complaints form located in Appendix A.

Upon receipt of the completed complaints form, the Head of Governance will identify an appropriate member of staff to investigate the complaint.

A complaint about the CEO or a trustee, will be referred to the Chair of the Board of Trustees. In the event the complaint is about the Chair of the Board of Trustees or the whole Board, the Head of Governance will arrange an appropriate investigation.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint confirming the name of the individual investigating the complaint.

The complaint will be investigated and every effort made to resolve the issue. A meeting may be arranged with the complainant to clarify details of the complaint. Please see Appendix 4 for further information about conducting an investigation.

Following the investigation of the complaint, the complainant will receive a formal response confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.



### **Stage 3: Formal complaint to the Advisory Board**

If the complainant is not satisfied with the response to the complaint at Stage 2, the complaint should be made to the Advisory Board within **10 school days** of the date of the Stage 2 response.

The complaint should be made in writing and addressed to the Chair of the Advisory Board, via the school, marked "private and confidential". The complaint should include the original complaint form, the letter concluding Stage 2 and details as to why the complainant is not satisfied with the outcome.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

A member of the Advisory Board, usually the Chair, will investigate the complaint and make every effort to resolve the issue. The Chair may arrange a meeting to clarify details of the complaint. In exceptional circumstances, the Chair may delegate responsibility for investigating the complaint to an investigating officer. In those circumstances, the Chair will be responsible for ensuring that the complaint is investigated appropriately and will respond to the complainant. Please see Appendix 4 for further information about conducting an investigation.

Following the investigation, the Chair will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure should the complainant not be satisfied with the response.

#### **Stage 4: Formal complaint to the Complaints Appeal Panel**

If the complainant is dissatisfied with the outcome at Stage 3 they can request a complaints panel hearing.

A request for a hearing before the complaints panel must be put in writing to the Clerk to the Advisory Board within **10 school days** of the stage 3 decision being communicated.

The complainant will be acknowledged within **5 school days** of receipt of the request. The response will explain the process that is to be followed and will include information about how the Panel will operate. The clerk will ask the complainant to provide details of the appeal and any relevant supporting evidence.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **25 school days** of receipt of the complaint panel request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. Please note that the panel will not normally sit during school holidays.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

#### **Appointment of the complaints appeal panel**

The complaints appeal panel will comprise at least three people who are not directly involved in the matters detailed in the complaint, have not been involved in dealing with the complaint in the previous stages and do not have any detailed prior knowledge of the complaint.

For a complaint concerning a school, at least one of the panel members will be independent of the management and running of that school. For the avoidance of doubt, an Advisory Board Member from another Trust school may be the independent complaint panel member, as long as they are not an employee of the school or the Trust.

For a complaint concerning the Trust, at least one of the panel members will be independent of the management and running of the Trust and any of its schools.

The complainant will be invited to attend the panel hearing and may be accompanied by another person, for example a relative or friend. Representatives from the media or legal professionals are not permitted to attend.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent for electronic recordings of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel hearing will be professionally clerked.

#### **The remit of the Complaints Appeal Panel**

The aim of the hearing is for the panel to review the decision reached at Stage 3 with the aim of resolving the complaint and to achieve reconciliation between the parties. The panel will review the complaint and make their findings and recommendations. They will decide if:

- the complaint investigation process was carried out fairly
- the outcomes were reasonable
- any more can be done to help resolve the issue

The panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

### **Decision of the Complaints Appeal Panel**

The Panel can:

- dismiss the complaint in whole or in part; or,
- uphold the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint; and,
- where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The complainant will be notified in writing of the panel's decision, usually within **5 school days**. The letter will confirm the panel's findings and recommendations and will confirm the end of the complaints procedure and will explain further right of external appeal.

A copy of the panel findings and recommendations will be provided to the school for inspection by the Headteacher and Trust.

Further information about the Complaints Appeal Panel, including the roles and responsibilities of the clerk and the logistics of the panel meeting is available in a separate panel guidance document.

### **3. Further right of appeal**

The panel hearing is the final stage for any complaint within the school and Trust but, if the complainant believes the complaint was not handled in accordance with the published complaints procedure or that the school/Trust acted unlawfully or unreasonably in the exercise of their duties, they can contact the Education and Skills Funding Agency (ESFA).

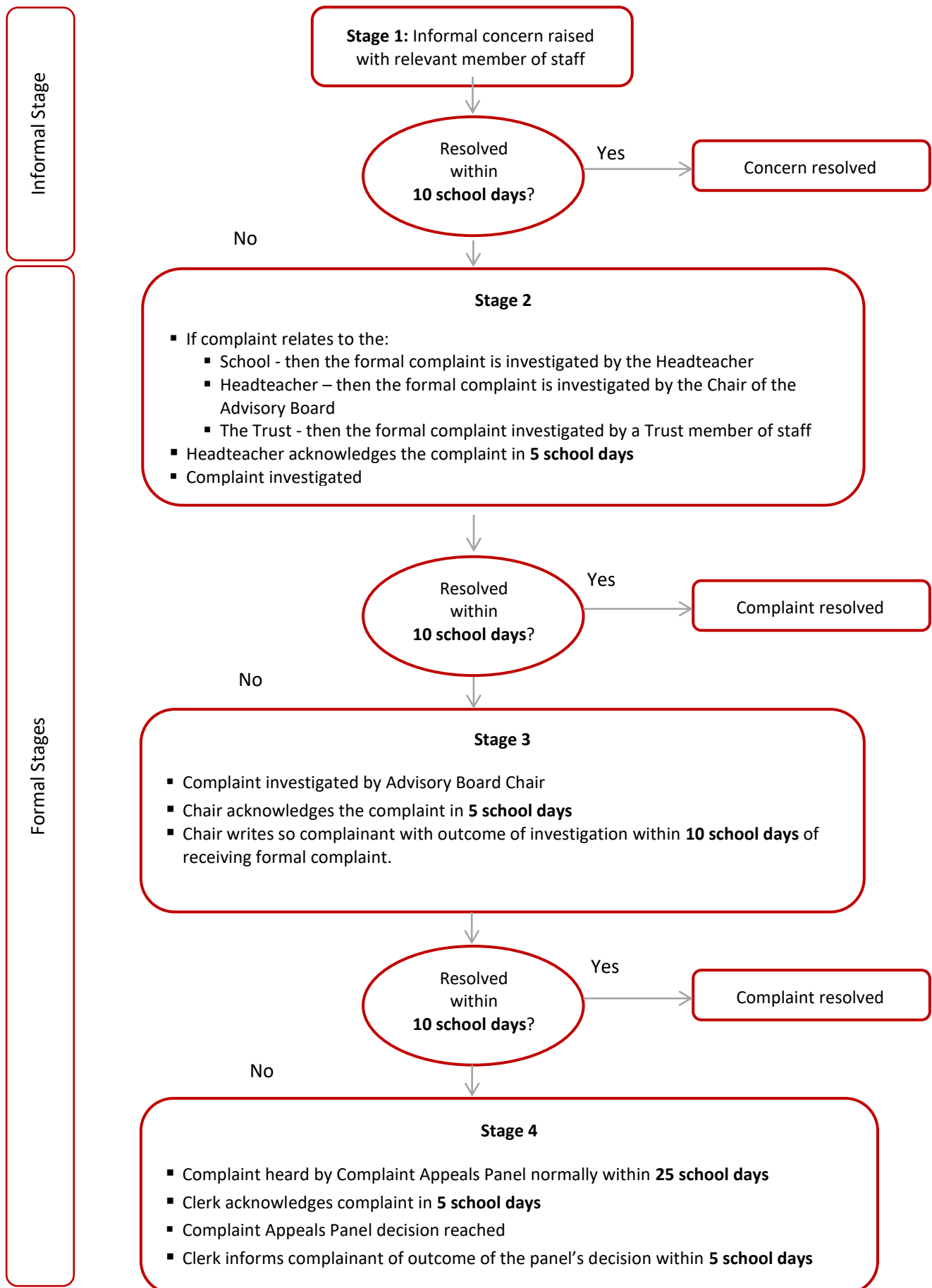
The ESFA has limited powers, they will consider whether the school/Trust followed the correct process, they will not investigate the decision. To refer a complaint to the ESFA please visit:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

**Appendix 1: Complaint Form**

<b>Your name:</b>			
<b>Pupil's name (if relevant):</b>			
<b>Your relationship to the pupil (if relevant):</b>			
<b>Address:</b>			
<b>Day time telephone number:</b> <b>Evening telephone number:</b>			
<b>Please state whether your complaint concerns a school (if so please name the school) or the Trust.</b>			
<b>Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated.</b>			
<b>What action, if any, have you already taken to try and resolve your complaint? I.e. whom have you spoken to and what was the outcome?</b>			
<b>What actions do you feel might resolve the problem at this stage?</b>			
<b>Are you attaching any paperwork? If so, please give details.</b>			
<b>Signature:</b>			
<b>Date:</b>			
<b>Official use</b>			
<b>Date received:</b>		<b>Date acknowledgement sent:</b>	
<b>Received by:</b>		<b>Sent by:</b>	
<b>Complaint referred to:</b>		<b>Date:</b>	

## Appendix 2: Complaint Flowchart



### **Appendix 3: Policy for Handling Unreasonable Complainants**

Discovery Schools Academy Trust is committed to dealing with all complaints fairly and impartially. We will not normally limit the contact complainants have with the Trust or one of our schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust/school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; or, publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers of communications with the Trust/school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or senior Trust member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher or senior Trust member of staff will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

If the behaviour is not modified the school inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable and outlining the arrangements that will be put in place for further communication.

For complainants who excessively contact the Trust/school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the Trust or school premises.

## **Appendix 4: Investigation procedures for formal complaints**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

The investigation of a complaint, including writing to the complainant confirming the outcome of the investigation, will take place within 10 school days of receipt of the written formal complaint.

### **Principles of Investigating a Concern or Complaint**

The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read this Complaints Policy and is familiar with the procedure;
- Is aware of the time limits that apply to the relevant stage to ensure compliance;
- Establishes the nature of the complaint and what issues remain unresolved;
- Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right;
- If necessary, interviews those involved in the matter, for example the Complainant, pupils and members of staff, including those complained about.
- Where pupils are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Allows pupils and those complained about to be accompanied during interviews, if they wish;
- Keeps a written record of the interview, and asks the interviewee to sign and date it;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- Provides an effective response to the complaint, which will include the following information:
  - a brief summary of the complaint/concern
  - a brief outline of the process that has been followed
  - the outcome of the investigation
  - the reasons for that outcome, unless confidentiality would be compromised
  - any recommendations for future action
  - information as to the next stage of the procedure in case the complainant is not satisfied with the response.